No, 78-1138

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IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1978

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Laura and Mamie Barker, Petitioners

vs.

Commodity Futures Trading Commission

---

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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# REPLY TO MEMORANDUM FOR THE RESPONDENT

Petitioners are not represented by counsel. Service may be made on us at the following address:

Mrs. Mamie Nutter Barker and
Miss Laura Bernice Barker
1700 Lucile Street
Wichita Falls
Texas 76301

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May it please the Court, respondent's reply does not answer nor even address a single argument that I have raised.

It ignores the Commission's violation of its own rules.

It ignores the Appeals Court's violation of the law, which says <u>any</u> order of the Commission may be appealed, not





just a final order.

It ignores the legal meaning of the word "claim," --"claim" is <u>not</u> synonymous with "commodity trade"-- and while admitting that our claim was timely filed, still refuses jurisdiction over all but less than 1% of it, thereby neither accepting nor dismissing the case and neatly preventing adjudication.

Like some adamant computer, it keeps repeating that we can pursue this case in state court, when we have stated till we are blue in the face that this is <u>impossible</u> because the suit was incompetently (or perhaps criminally) drawn to contain untrue statements and we do not know if it can be changed. Nor can we make any move to find out because the CFTC will dismiss us and leave us without legal redress if we do.

Once again here in their reply they say they would adjudicate it if the law-

suit does not proceed to a judgment on its merits. Well, why don't they make good on their word? The suit is effectively halted.

Yet even then they would defy the age-old usage of the word "claim" to restrict the case to $500 and let the fraud and the churning go free!

In short, respondent's reply is a classic case of the same dense bureaucratic obtuseness that has continually blocked our civil right to get our evidence judged. We pray the Court for immediate relief from this outrage.

Respectfully submitted,
Laura Bernice Barker

appearing for myself
and my mother

Affidavit of service to CFTC, Solicitor General, and E. F. Hutton enclosed

March 16-79